

UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JUDGMENT IN A CIVIL CASE

X Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment is entered pursuant to the attached verdict forms.

Thereupon the jury was polled and each juror affirmed the verdict as being his/her individual verdict.

FEBRUARY 25, 2015

KEITH THROCKMORTON, CLERK

Doris E. Bush

BY: DORIS E. BUSH
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES HUFFNAGLE, et al.)
)
) NO. 3-11-1009
v.) JUDGE CAMPBELL
)
ANTHONY LOIACONO)

VERDICT FORM

We, the members of the jury, find as follows:

COMPLAINT OF PLAINTIFFS AGAINST DEFENDANT LOIACONO

MISREPRESENTATION

1. Did Defendant Loiacono make any negligent misrepresentation(s) to the Plaintiffs?

 Yes X No

2. Did Defendant Loiacono make any intentional misrepresentation(s) to the Plaintiffs?

 Yes X No

CONVERSION

3. Did Defendant Loiacono convert the property of the Plaintiffs?

 Yes X No

BREACH OF FIDUCIARY DUTY - DIRECTOR

4. Did Defendant Loiacono breach his fiduciary duty to the Plaintiffs as a director of the LLC?

Yes No

BREACH OF DUTY OF LOYALTY - OFFICER

5. Did Defendant Loiacono breach his duty of loyalty to the Plaintiffs as an officer of the LLC?

Yes No

UNJUST ENRICHMENT

6. Was Defendant Loiacono unjustly enriched, as explained in the Court's instructions, at the expense of the Plaintiffs?

Yes No

FEDERAL SECURITIES LAW

7. Did Defendant Loiacono sell securities, as defined in the Court's instructions, to the Plaintiffs?

Yes No

If you answered "yes" to Question 7, proceed to Question 8. If you answered "no" to Question 7, skip Questions 8 and 9, and proceed to Question 10.

8. Did Defendant Loiacono commit securities fraud in violation of 15 U.S.C. § 78j, as explained in the Court's instructions?

Yes No

9. Did Defendant Loiacono sell unregistered securities in violation of 15 U.S.C. §§ 771 and 77e, as explained in the Court's instructions?

Yes No

DAMAGES

10. If you answered "yes" to any of Questions 1 through 9, what amount of damages is each Plaintiff entitled to from Defendant Loiacono?

James Huffnagle	\$ <u>0</u>
James Hearn	\$ <u>0</u>
Reinhold Holtkamp	\$ <u>0</u>
William Hemrick	\$ <u>0</u>
Melvin W. Martin	\$ <u>0</u>
Howard Luartes	\$ <u>0</u>
Tea Party HD, LLC	\$ <u>26,178</u>

11. If you awarded any damages in response to Question 10, do you find that Defendant Loiacono is liable for punitive damages as defined in the Court's instructions?

Yes No

You will not determine the amount of punitive damages, if any, at this time. You will return your verdict to the Court and, if necessary, you will determine the amount of any punitive damages later.

COUNTERCLAIM OF DEFENDANT LOIACONO AGAINST PLAINTIFFS

BREACH OF FIDUCIARY DUTIES

12. Did the individual director Plaintiffs violate any fiduciary duties to Defendant Loiacono?

Reinhold Holtkamp	<u>Yes</u>	<u> X </u> No
William Hemrick	<u> X </u> Yes	<u>Yes</u>
Melvin W. Martin	<u>Yes</u>	<u> X </u> No
Howard Luartes	<u>Yes</u>	<u> X </u> No

If you answered "yes" to any part of Question 12, proceed to Question 13. If you answered "no" to all parts of Question 12, skip Question 13, have your foreperson sign and date this form, and return it to the Court.

DAMAGES

13. If you answered "yes" to any part of Question 12, then what amount of damages is Defendant Loiacono entitled to from:

Reinhold Holtkamp	\$ <u>0</u>
William Hemrick	\$ <u>13089</u>

Melvin W. Martin \$ 0

Howard Luartes \$ 0

FOREPERSON

2-25-15

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES HUFFNAGLE, et al.)
)
)
v.) NO. 3-11-1009
) JUDGE CAMPBELL
HEADS & TAILS, INC.)

VERDICT FORM

We, the members of the jury, find as follows:

COMPLAINT OF PLAINTIFFS AGAINST DEFENDANT HEADS & TAILS, INC.

UNJUST ENRICHMENT

**1. Was Defendant Heads & Tails, Inc. unjustly enriched, as explained in the Court's
instructions, at the expense of the Plaintiffs?**

 Yes X No

If you answered "yes" to Question 1, proceed to Question 2. If you answered "no" to Question 1, skip Question 2, have your foreperson sign and date this form, and return it to the Court.

**2. If you answered "yes" to Question 1, then what amount of damages is each Plaintiff
entitled to from Defendant Heads & Tails, Inc.?**

James Huffnagle \$ _____

James Hearn	\$ _____
Reinhold Holtkamp	\$ _____
William Hemrick	\$ _____
Melvin W. Martin	\$ _____
Howard Luartes	\$ _____
Tea Party HD, LLC	\$ _____

FOREPERSON

2-25-15

DATE